

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

*The County of Summit, Ohio, et al. v. Purdue
Pharma L.P., et al.*
Case No. 18-op-45090

*The County of Cuyahoga, et al. v. Purdue
Pharma L.P., et al.*
Case No. 17-op-45004

CASE NO.1:17-MD-2804

Hon. Dan Aaron Polster

**PHARMACY DEFENDANTS' POSITION PAPERS REGARDING PLEADINGS
PREVIOUSLY FILED WITH REDACTIONS OR UNDER SEAL**

Pursuant to this Court's order, ECF No. 1725, the Pharmacy Defendants¹ submit this position paper regarding pleadings that they previously jointly filed with redactions or under seal.²

I. Objections to Discovery Rulings No. 2 and No. 3: ECF Nos. 785 and 839

The Pharmacy Defendants filed their Objections to Discovery Rulings No. 2 and No. 3 with redactions, ECF No. 785, and under seal, ECF No. 839. Those pleadings should remain redacted and under seal. Both the redactions and the sealing are based on the fact that the pleading and its exhibits contain ARCOS data, *see* ECF No. 838 (order granting motion to seal),

¹ For purposes of this position paper, the Pharmacy Defendants are CVS Rx Services, Inc., CVS Indiana, LLC, Discount Drug Mart, Inc., Rite Aid of Maryland, Inc., Walgreen Co., Walgreen Eastern Co., Inc., and Walmart Inc.

² In accordance with the Court's July 5 Order Amending Procedures Regarding Redactions and Filing of Briefs Under Seal (ECF No. 1813), the Pharmacy Defendants will be addressing the *Daubert* and summary judgment motions separately through the procedure ordered by this Court.

and this Court has ordered the parties to “continue their adherence to the provisions in the ARCOS Protective Order” until the Sixth Circuit issues the mandate in *In re: National Prescription Opiate Litigation*, 2019 WL 2529050 (6th Cir. June 20, 2019), *see* ECF No. 1813.

Once the issues regarding the ARCOS data are resolved, the Pharmacy Defendants will revisit, if necessary, the portions of ECF Nos. 785 and 839 that were redacted and sealed. Proceeding in this fashion will ensure that the Pharmacy Defendants comply with this Court’s directives regarding ARCOS data.

II. Partial Objection of Distributor Defendants and Pharmacy Defendants to Discovery Ruling No. 7: ECF Nos. 1122 and 1123.

CVS Rx Services, Inc., CVS Indiana, LLC, Rite Aid of Maryland, Inc., Walgreen Co., Walgreen Eastern Co., Inc., and Walmart Inc. jointly filed a partial objection to Discovery Ruling No. 7 with the Distributor Defendants. *See* ECF No. 1122 (redacted) and 1123 (under seal). Those pleadings are being addressed in the Distributor Defendants’ Position Paper.

Dated: July 15, 2019

/s/ Kaspar J. Stoffelmayr
Kaspar J. Stoffelmayr
BARTLIT BECK LLP
54 West Hubbard Street
Chicago, IL 60654
Phone: (312) 494-4400
Fax: (312) 494-4440
E-mail: kaspar.stoffelmayr@bartlitbeck.com

Counsel for Walgreen Co. and Walgreen Eastern Co.

Respectfully submitted,

/s/ Eric R. Delinsky
Eric R. Delinsky
Alexandra W. Miller
Zuckerman Spaeder LLP
1800 M Street, NW, Suite 1000
Washington, DC 20036
Phone: (202) 778-1800
Fax: (202) 822-8106
E-mail: edelinsky@zuckerman.com
E-mail: smiller@zuckerman.com

Counsel for CVS Rx Services, Inc. and CVS Indiana, L.L.C.

/s/ Kelly A. Moore

Kelly A. Moore
MORGAN, LEWIS & BOCKIUS LLP
101 Park Avenue
New York, NY 10178
Phone: (212) 309-6612
Fax: (212) 309-6001
E-mail: kelly.moore@morganlewis.com

Elisa P. McEnroe
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103
Phone: (215) 963-5917
Fax: (215) 963-5001
E-mail: elisa.mcenroe@morganlewis.com

*Counsel for Rite Aid of Maryland, Inc., d/b/a
Rite Aid Mid-Atlantic Customer Support
Center*

/s/ Timothy D. Johnson

Timothy D. Johnson
Gregory E. O'Brien
CAVITCH FAMILO & DURKIN,
CO. LPA
Twentieth Floor
1300 East Ninth Street
Cleveland, OH 44114
Phone: (216) 621-7860
Fax: (216) 621-3415
Email: tjohnson@cavitch.com
Email: gobrien@cavitch.com

Counsel for Discount Drug Mart, Inc.

/s/ Tina M. Tabacchi

Tina M. Tabacchi
Tara A. Fumerton
JONES DAY
77 West Wacker
Chicago, IL 60601
Phone: (312) 269-4335
Fax: (312) 782-8585
E-mail: tmtabacchi@jonesday.com
E-mail: tfumerton@jonesday.com

Counsel for Walmart Inc.

CERTIFICATE OF SERVICE

I, Eric R. Delinsky, hereby certify that the foregoing document as served via the Court's ECF system to all counsel of record.

/s/ Eric R. Delinsky

Eric R. Delinsky